

FILED

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

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U.S. DISTRICT COURT
N.D. OF ALABAMA

JAMES PHILLIP METCALF and)
GERALDINE METCALF,)
Plaintiffs,)
v.) CIVIL ACTION NO. 97-G-1010-S
LONG-AIR DOX COMPANY, INC.; and)
FAIRCHILD INTERNATIONAL, INC.;)
Defendants.)

ENTERED

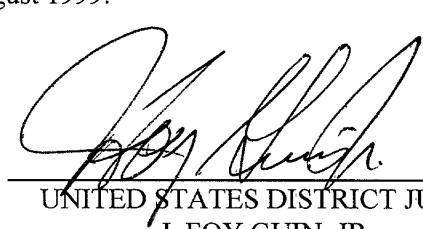
AUG 09 1999

MEMORANDUM OPINION

This cause is before the court upon the motion of defendant Fairchild International, Inc. for summary judgment. The uncontroverted deposition testimony of Giovanni Bucciarelli establishes that defendant Fairchild International, Inc. did not manufacture the machine that injured plaintiff James Phillip Metcalf and, therefore, cannot be liable to the plaintiffs for their injuries. Accordingly, there exists no genuine issue as to any material fact and defendant Fairchild International, Inc. is entitled to a judgment as a matter of law.

An appropriate order will be entered contemporaneously herewith.

DONE this 9th day of August 1999.


UNITED STATES DISTRICT JUDGE
J. FOY GUIN, JR.

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